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**BEFORE THE FEDERAL ELECTION COMMISSION**

June 1 AM 8:56

**ENFORCEMENT PRIORITY SYSTEM  
DISMISSAL REPORT**

**MUR: 6839**

**Complaint Receipt Date: June 6, 2014**

**Response Date: June 23, 2014**

**Respondents:** Wooten for Congress  
Donald L. McClung as  
treasurer (collectively the  
"Committee")

**EPS Rating:**

**Alleged Statutory/** 52 U.S.C. § 30120(a)(1)  
**Regulatory Violations:** 11 C.F.R. §§ 100.26, 110.11(a), (b)

The Complaint alleges that the Committee violated the Federal Election Campaign Act of 1971, as amended, and Commission regulations by distributing palm cards that lacked disclaimers stating who paid for them, and business cards with disclaimers that included an incorrect name for the Committee. Any public communication that is paid for and authorized by a candidate's authorized political committee must include a disclaimer stating that the committee paid for the communication, and any public communication authorized by a candidate's committee but paid for by any other person must clearly state that the communication is authorized by the committee and paid for by the individual. Respondents concede that the disclaimer on the business cards, which were allegedly ordered by an inexperienced volunteer, incorrectly stated the Committee's name, and that the palm cards, which were contributed by a campaign supporter, did not include any disclaimer. However, Respondents assert that they took prompt remedial action, including destroying the defective business cards and paying for new materials that included the appropriate disclaimers. According to a receipt attached to the response, the defective palm cards represented an in-kind contribution of approximately \$735.

According to the Committee's disclosure reports, it appears that the defective business cards cost approximately \$600, and the corrected business cards cost approximately \$750.



Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the other circumstances presented, including the apparent small amount in violation, we recommend that the Commission dismiss the allegations consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

Daniel A. Petalas  
Acting General Counsel

Kathleen M. Guith  
Acting Associate General Counsel  
for Enforcement

6.1.16  
Date

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